

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ZULMA J. SANTIAGO-VELEZ,

No. 4:18-CV-01416

Plaintiff,

(Judge Brann)

v.

(Magistrate Judge Saporito)

ANDREW SAUL,<sup>1</sup>

*Commissioner of Social Security,*

Defendant.

**ORDER**

**SEPTEMBER 30, 2019**

Zulma J. Santiago-Velez filed this action seeking review of a decision by the Commissioner of Social Security (“Commissioner”) denying Santiago-Velez’s claim for social security disability benefits and supplemental security income.<sup>2</sup> On August 23, 2019, Magistrate Judge Joseph F. Saporito, Jr., issued a Report and Recommendation recommending that this Court affirm the Commissioner’s decision and close this case.<sup>3</sup>

Santiago-Velez filed timely objections to that recommendation.<sup>4</sup> Although Santiago-Velez raises some minor factual objections, she primarily argues that

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<sup>1</sup> Pursuant to Federal Rule of Civil Procedure 25(d), Andrew Saul, as the successor officer to Nancy Berryhill, Acting Commissioner of Social Security, is automatically substituted as Defendant in this action.

<sup>2</sup> Doc. 1.

<sup>3</sup> Doc. 16.

<sup>4</sup> Docs. 17, 18.

Magistrate Judge Saporito erred in concluding that the Commissioner's decision was support by substantial evidence—particularly with respect to the mental and physical limitations placed on Santiago-Velez's work abilities.<sup>5</sup>

"If a party objects timely to a magistrate judge's report and recommendation, the district court must 'make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.'"<sup>6</sup> Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge's findings or recommendations.<sup>7</sup> Although this Court may have reached a different decision than the Commissioner, given the deferential standard of review that must be applied, the Court finds no error in Magistrate Judge Saporito's conclusion that the Commissioner's decision is supported by substantial evidence. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Joseph F. Saporito, Jr.'s Report and Recommendation (Doc. 16) is **ADOPTED**;
2. The Commissioner's decision is **AFFIRMED**;

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<sup>5</sup> Doc. 18.

<sup>6</sup> *Equal Emp't Opportunity Comm'n v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)).

<sup>7</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.

3. Final Judgment is entered in favor of Defendant and against Plaintiff pursuant to Fed. R. Civ. P. 58 and sentence four of 42 U.S.C. § 405(g); and
4. The Clerk of Court is direct to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann  
United States District Judge